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Gail Adams and Rami Dalal
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15 **UNITED STATES BANKRUPTCY COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17

18 In re

19 HOWREY LLP,

20 Debtor.
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Case No. 11-31376-DM
(Chapter 11)

**NOTICE OF MOTION AND MOTION
FOR CERTIFICATION OF CLASS
CLAIM AND APPOINTMENT OF
CLASS REPRESENTATIVES AND
CLASS COUNSEL**

Place: Courtroom 22
Judge: Hon. Dennis Montali

1 **NOTICE OF HEARING AND NOTICE OF MOTION AND MOTION**
2 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 NOTICE IS HEREBY GIVEN that Putative Creditors Gail Adams and Rami Dalal
4 (collectively, the "Creditors"), on behalf of themselves and all similarly situated persons, will
5 and hereby move the Court for an Order providing for the following (the Court has indicated that
6 it will rule on this motion without oral argument):

- 7 (1) the application of Federal Rules of Bankruptcy Procedure 9014 and 7023;
8 (2) certifying that this action is maintainable as a class action under Federal Rule of
9 Bankruptcy Procedure 7023 and Federal Rule of Civil Procedure 23(a), 23(b)(1) and 23(b)(3);
10 (3) certifying the following classes:

11 Federal WARN Class: All persons employed at any of Debtor
12 Howrey LLP's facilities that employed at least 50 people who are
13 "affected employees" within the meaning of 29 U.S.C. §
14 2101(a)(5) and who (1) were involuntarily terminated without
15 cause on their part from a facility at which Debtor ordered a mass
16 layoff or plant closing (as those terms are defined in the Federal
17 WARN Act) on or about March 31, 2011; or (2) were involuntarily
18 terminated without cause on their part as the reasonably
19 foreseeable consequence of a mass layoff or plant closing (as those
20 terms are defined in the Federal WARN Act) ordered by Debtor on
21 or about March 15, 2011. Excluded from this Class are all
22 individuals who, 60 or more days prior to their date of termination,
23 received notice that their employment would terminate.

24 California WARN Class: All employees who worked at or
25 reported to one of Debtor's qualifying facilities in California and
26 who were subject to a mass layoff, relocation, or termination
27 ordered by Debtor on or after March 15, 2011.

28 District of Columbia Accrued Compensation and Benefit Subclass:
All former employees of Debtor in the District of Columbia whose
employment with Debtor ended (1) on or about March 31, 2011 or
(2) as the reasonably foreseeable consequence of a mass layoff or
plant closing ordered by Debtor on or about March 15, 2011, and
who had accrued compensation, accrued but unused vacation time
and accrued retirement plan benefits at the time of their
termination for which Debtor did not fully compensate such
employees.

1 Virginia Accrued Compensation and Benefit Subclass: All former
2 employees of Debtor in the State of Virginia whose employment
3 with Debtor ended (1) on or about March 31, 2011 or (2) as the
4 reasonably foreseeable consequence of a mass layoff or plant
5 closing ordered by Debtor on or about March 15, 2011, and who
6 had accrued compensation, accrued but unused vacation time and
7 accrued retirement plan benefits at the time of their termination for
8 which Debtor did not fully compensate such employees.

9 California Accrued Compensation and Benefit Subclass: All
10 former employees of Debtor in the State of California whose
11 employment with Debtor ended (1) on or about March 31, 2011 or
12 (2) as the reasonably foreseeable consequence of a mass layoff or
13 plant closing ordered by Debtor on or about March 15, 2011, and
14 who had accrued compensation, accrued but unused vacation time
15 and accrued retirement plan benefits at the time of their
16 termination for which Debtor did not fully compensate such
17 employees.

18 Illinois Accrued Compensation and Benefit Subclass: All former
19 employees of Debtor in the State of Illinois whose employment
20 with Debtor ended (1) on or about March 31, 2011 or (2) as the
21 reasonably foreseeable consequence of a mass layoff or plant
22 closing ordered by Debtor on or about March 15, 2011, and who
23 had accrued compensation, accrued but unused vacation time
24 and accrued retirement plan benefits at the time of their termination for
25 which Debtor did not fully compensate such employees.

26 New York Accrued Compensation and Benefit Subclass: All
27 former employees of Debtor in the State of New York whose
28 employment with Debtor ended (1) on or about March 31, 2011 or
(2) as the reasonably foreseeable consequence of a mass layoff or
plant closing ordered by Debtor on or about March 15, 2011, and
who had accrued compensation, accrued but unused vacation time
and accrued retirement plan benefits at the time of their
termination for which Debtor did not fully compensate such
employees.

Utah Accrued Compensation and Benefit Subclass: All former
employees of Debtor in the State of Utah whose employment with
Debtor ended (1) on or about March 31, 2011 or (2) as the
reasonably foreseeable consequence of a mass layoff or plant
closing ordered by Debtor on or about March 15, 2011, and who
had accrued compensation, accrued but unused vacation time and
accrued retirement plan benefits at the time of their termination for
which Debtor did not fully compensate such employees.

1 Texas Accrued Compensation and Benefit Subclass: All former
2 employees of Debtor in the State of Texas whose employment with
3 Debtor ended (1) on or about March 31, 2011 or (2) as the
4 reasonably foreseeable consequence of a mass layoff or plant
5 closing ordered by Debtor on or about March 15, 2011, and who
6 had accrued compensation, accrued but unused vacation time and
7 accrued retirement plan benefits at the time of their termination for
8 which Debtor did not fully compensate such employees.

9 (4) appointing Gail Adams and Rami Dalal as the class representatives of the class and
10 subclasses; and

11 (5) appointing Steven A. Blum, Craig M. Collins, Douglas L. Thorpe, Teresa Blasberg,
12 and Gary Ho as class counsel.

13 Pursuant to Fed. R. Civ. P. 23(a), this motion will be made on the grounds that: (1) the
14 members of the proposed classes are so numerous that joinder of all members individually is
15 impracticable; (2) there are questions of fact or law common to the classes; (3) the claims and
16 defenses of the class representatives are typical of the classes; and (4) the class representatives
17 will fairly and adequately protect the interests of the classes. (*See Hanon v. Dataproducts Corp.*,
18 976 F.2d 497, 508 (9th Cir. 1992).) Claimants also bring this motion on the grounds that the
19 classes are maintainable under Fed. R. Civ. P. 23(b)(1) and (b)(3) because the risk of inconsistent
20 or varying adjudications with respect to individual class members would arise if the class
21 members were required to prosecute dozens or hundreds of separate actions, the questions of law
22 and fact common to the members of the proposed classes predominate over any questions
23 affecting only individual members, and a class action is superior to other available methods for
24 the fair and efficient adjudication of this controversy.

1 This motion is based on this notice of motion and motion for class certification; the
2 memorandum of points and authorities filed concurrently herewith; the Declarations of Craig M.
3 Collins, Gail Adams, and Rami Dalal filed concurrently herewith; the pleadings and papers on
4 file in this action, and such other matters as may be presented to the Court at the time of the
5 hearing on this motion.

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7 Dated: December 14, 2012

BLUM | COLLINS LLP

Steven A. Blum
Craig M. Collins
Douglas L. Thorpe
Teresa Blasberg
Gary Ho

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Craig M. Collins
Attorneys for Putative Creditors
Gail Adams and Rami Dalal